

DEPARTMENT OF SOCIAL SERVICES

744 P Street
Sacramento, California 95814



May 13, 1983

ALL-COUNTY LETTER NO. 83-43

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WRIGHT v. WOODS Preservation of Records

REFERENCE:

This letter transmits a copy of an order issued on May 3, 1983 by the Superior Court of San Mateo County in the Wright v. Woods case (Attachment A). The Wright case challenged former AFDC regulations which did not permit supplementation up to the maximum aid payment (MAP) when income ceased or decreased. A decision of the First District Court of Appeals requires that all affected persons be given notice of their right to file a claim for retroactive supplemental payments. The California Supreme Court denied the State Department of Social Services' (SDSS) request for a hearing. The Department is currently negotiating with plaintiffs on a stipulated judgment and you will receive further instructions at a later date regarding implementation of the decision.

The May 3 order enjoins the destruction of case files or other records for persons who were affected during the period July 1976 through December 1981. The persons affected are AFDC recipients with any income other than the AFDC grant if that income was reduced or stopped at any time during this period. The order requires that you retain all existing records for this period, but it does not require that new lists or computer tapes be created.

The order also requires that each county department provide a written statement to SDSS within 30 days of the date of this letter, setting forth what steps have been or will be taken to comply with the order. We have attached a brief report form for this purpose (Attachment B).

Pursuant to the attached order, you are hereby instructed to comply with paragraphs one and two of the order and to report compliance

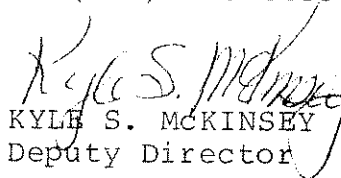
ALL COUNTY WELFARE DIRECTORS

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by completing and returning the attached form to SDSS no later than June 13, 1983.

If you have any questions, contact your AFDC Management Consultant at (916) 445-4458.


KYLE S. MCKINSEY
Deputy Director

Attachments

1 TRICIA MARGOT BERKE
2 PETER H. REID
3 Legal Aid Society of
4 San Mateo County
5 2221 Broadway
6 Redwood City, CA 94063
7 Telephone: - (415) 365-8411
8 Attorneys for Plaintiffs

(ENDORSED)
FILED

MAY 3 - 1983

MARVIN CHURCH, County Clerk
By ALTA DUNLAP
DEPUTY CLERK

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF SAN MATEO

9 SHEILA WRIGHT, et al.,)
10 Plaintiffs,)

11 , vs.)

No. 247984

12 MARION J. WOODS, etc.,)
13 Defendants.)

STIPULATION AND ORDER FOR
PRESERVATION OF FILES AND
RECORDS PENDING DISTRIBUTION
OF RETROACTIVE BENEFITS

15 IT IS HEREBY STIPULATED AND AGREED by the parties, through
16 their respective counsel, that, during the pendency of this
17 action, or until the final determination thereof, or until the
18 Court shall otherwise order, the defendants, their successors
19 in office, agents, assigns, employees, and all persons acting
20 in concert with them, or subject to their control and supervision
21 including employees of county welfare departments, shall be,
22 and hereby are, enjoined and restrained as follows from:

- 23 1. Destroying any case files or other records which
24 contain information regarding persons who are affected by the
25 defendants' failure to provide supplemental payments to bring
26 AFDC recipients' grants up to the maximum aid payment level

1 on the basis of California State regulation Manual of Policies
2 and Procedures §44-315.8 from July 18, 1976 until December
3 31, 1981;

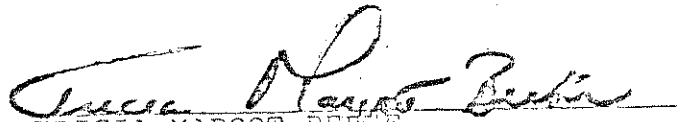
4 2. Failing to preserve and retain any information which
5 is currently in computerized form, such as that appearing on
6 the WICMIS file or the Case Data System, or any other reports
7 or lists, computerized or non-computerized, that would identify
8 persons who were denied supplemental payments to bring their grants
9 up to the established level of need on the basis of California
10 State regulation Manual of Policies and Procedures §44-315.8 from
11 July 18, 1976 until December 31, 1981. The information may be
12 preserved and retained by the preservation of any existing
13 computer tapes themselves on which information is stored, by the
14 making of computer tapes which contain the information relevant
15 to members of the plaintiff class only, or by the making of a
16 hard copy (i.e., on paper) record of the relevant information
17 from the computer tapes. This stipulation and order shall not
18 be construed to require the production of new computer tapes
19 from current hard copy records;

20 IT IS FURTHER ORDERED that defendants Prod, McKinsey and
21 Department of Social Services shall effectuate this order
22 as follows:

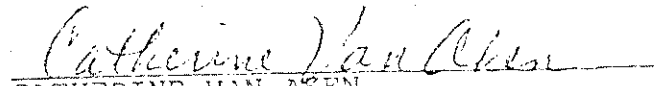
23 A. Within 10 days of the date of this order, defendants
24 shall transmit a copy of this stipulation and order to
25 each county welfare department together with instructions to
26 immediately effectuate paragraphs 1 and 2 above.

1 B. The instructions set forth in paragraphs A above shall
2 instruct the counties to file a written statement within 30
3 days of the transmittal of this stipulation and order indicating
4 what steps they have taken and plan to take to comply with
5 the instructions. Defendants shall serve these statements on
6 plaintiffs within 10 days of the deadline for response.
7

8 DATED: 4-20-83


TRICIA MARGOT BERRE
Attorney for Plaintiffs

10 DATED: 4/26/83


CATHERINE VAN AREN
Attorney for Defendants

14 IT IS SO ORDERED

15 MAY 3 - 1983

16 DATED: _____

V. GENE McDONALD

17 JUDGE OF THE SUPERIOR COURT
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WRIGHT v. WOODS

Response Form

This form must be completed and returned to State Department of Social Services on or before June 13, 1983. Please refer to the indicated paragraph in the **Wright v. Woods** order for preservation of files and records dated May 3, 1983 when completing this form. Attach additional sheets as necessary.

1. Steps taken and/or proposed to retain case files (paragraph 1).
2. Steps taken and/or proposed to preserve and retain computerized information and/or other reports or lists (paragraph 2).

Return completed form to: AFDC Program Operations Bureau
State Department of Social Services
744 P Street, M.S. 16-30
Sacramento, CA 95814

Your Name (print)	Date
Signature ▶	Phone Number
County	